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**OFFICE OF PETITIONS**

In re Application of  
Ikeda et al.  
Application No. 09/911,873  
Filed: 25 July, 2001  
Attorney's Docket No. P21290

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ON PETITION

This is a decision on the petition filed on 30 October, 2001, requesting that the above-identified application be accorded a filing date of 25 July, 2001, with Pages 47 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 25 July, 2001, with 78 pages of Japanese language specification as the original disclosure. However, on 30 August, 2001, Initial Patent Examination Division mailed a "Notice" stating, *inter alia*, that the application had been accorded a filing date but that Page 47 of the specification (description and claims) appeared to have been omitted.

In response, on 30 October, 2001, pages 47 of the specification, the present petition, and a petition fee were filed. Petitioners argue that Pages 47 were filed with the other application papers on 25 July, 2001, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 30 October, 2001. The postcard receipt shows an Office date stamp of 25 July, 2001 and the above-identified application number, identifies the application by first named inventor's last name, docket number, and invention title, and acknowledges receipt of, *inter alia*, 78

pages of specification. Petitioners request that the application, including Pages 47 of the specification, be accorded a filing date of 25 July, 2001.

A review of the record reveals that no Page 47 of the specification has been located among the application papers received on 25 July, 2001. However, the evidence is convincing that the application papers deposited on 25 July, 2001, included Pages 47 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 47 of the specification, is entitled to a filing date of 25 July, 2001.

The "Notice" mailed on 25 July, 2001, is vacated to the extent that it stated that pages 47 of the specification appeared to have been omitted.

In view of the above, the petition is granted. The petition fee is unnecessary and will be credited to counsel's deposit account, No. 19-0089.

The application will be processed with the copy of Page 47 supplied on 30 October, 2001, as a part of the original disclosure. The copies of the other application papers supplied on 30 October, 2001, will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 25 July, 2001, using the application papers filed on 25 July, 2001, and the copy of Page 47 supplied on 30 October, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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